

REMARKS

INTRODUCTION

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 16 and 18-22 are requested to be cancelled.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1, 2, 4, 5, 9-12, 15 and 24 are now pending in this application.

THE OFFICE ACTION

The Examiner issued an Ex Parte Quayle action indicating that claims 1, 2, 4, 5, 9-12, 15, 19 and 24 were allowable over the prior art of record. The Examiner also indicated that claims 16, 18, 19, 20 and 21 were withdrawn as they could not be properly rejoined under the notice in the *Official Gazette* notice of March 26, 1996 which establishes guidelines for treatment of product and process claims in light of In re Ochiai.

In response to the request to delete claims 16, 18, 19, 20 and 21, the claims have been canceled, as well as claim 22 which depended from claim 16. The cancellation of claims is done without prejudice. The cancellation does not constitute acquiescence in the propriety of any rejection or objection set forth by the Examiner.

CONCLUSION

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date

4/25/05

By

Mary C. Tiff

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5554
Facsimile: (202) 672-5399

Mary C. Tiff
Attorney for Applicant
Registration No. 41,545